

DRAFT

**Minutes
Windsor Town Council Meeting
Town Hall
May 11, 2010**

The Windsor Town Council met in regular session on May 11, 2010 at 7:00 p.m. in the Council Chamber of the Windsor Town Hall, Windsor, Virginia. Mayor Marvin A. Crocker, Jr. was present, and he called the meeting to order. He welcomed those who were present. He asked for anyone with cell phones to please turn them off. He asked the Clerk to call the roll. Robin Hewett, Town Clerk, recorded the minutes. Michael Stallings, Town Manager, Police Chief Porti, Dennis Carney, Planning and Zoning Administrator, and Joshua Pretlow, Jr., Town Attorney were present.

Council members present:	J. Clinton Bryant Wesley F. Garris William L. Jones Carita J. Richardson Durwood V. Scott Greg Willis
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Mayor Crocker said he would like to recognize BZA member, Carolyn Harrup, attending the meeting. He asked Councilman Willis to give the invocation, and Councilman Willis did.

Public Hearing

None

Delegations, Public Comments, and Citizens Concerns

Paul and David Creason, from Zuni, Virginia, said they are unsure where they stand with the water system they own out on Old Suffolk Road. He said since the Town has begun running water lines out in that area they have had run-ins with their customers. He said they would like to know what the intentions of the Town are with the two water systems in competition with each other.

Karita Suiter, 107 Maple Lane, said she had come to a Council meeting earlier and made a request for a street light on Maple Lane. She said the street light is in place, and she would like to thank Council for making this happen.

Mayor Crocker said the Creason issue would be discussed under new business on the agenda.

Consent Agenda

Mayor Crocker asked for approval of the consent agenda, which included the minutes of the April 13, 2010 Council meeting and the Treasurer's reports. Councilwoman Richardson made a motion to approve the consent agenda as presented. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

Town Manager's Report

Budget Presentation

Mr. Stallings said Council received the proposed budget for fiscal year 2010-2011 on May 3, 2010. He said since that time, he has talked with several Council members about their concerns regarding the proposed budget and will address them a little later. He said some major highlights of the proposed budget are there is no recommended tax increase, no use of the fund balance, no decrease in services, and there are no new programs or initiatives. Mr. Stallings said the General Fund budget is approximately reduced ten percent (10%) in comparison to the previous year. He said there is an eight percent (8%) reduction in the Water Fund budget over the previous year. He reviewed the revenues and expenditures summary of all funds with Council. He said the net General Fund proposed budget is \$1.1 million dollars. He said the net Water Fund proposed budget is approximately \$380,000.

Mr. Stallings said the next chart shows where the money comes from for the General Fund. He said "Other Local Taxes" makes up 40% of the funds, which is meals tax, sales tax, communication tax, and utility tax. He said these funds are directly related to the state of the economy. He said 21% of the funds come from "General Property Taxes", such as personal property taxes, real estate taxes and mobile home taxes.

Mr. Stallings said the next chart shows where the money goes. He said 29.1% is spent on the police department, 25% on general management, and 15.3% on public works and property maintenance, which are the three largest categories. Mr. Stallings continued by reviewing the General Fund and Water Fund revenues and expenditures. He said the Water Fund 2010-2011 depreciation should be \$204,762 to fully fund depreciation. He said the proposed budget only funds depreciation at \$10,000. Mr. Stallings said he does not recommend raising the water rate in order to fully fund depreciation. He said the CAFR for fiscal year ending June 30, 2011 will show an operating loss for the Water Fund due to the fact of not being able to fully fund depreciation.

Mr. Stallings said as Council is aware, the Cemetery Fund over the last several years has not had a strong source of revenue. He said the only sources of revenues for the Cemetery Fund are Sale of Lots and Interest. He said there

have been no cemetery plots sold this year thus far. He said the functions of the Cemetery Fund are performed by the public works department. He said he has rolled the functions of the Cemetery Fund into the public works department of the General Fund. Mr. Stallings said this is being done because the revenues for the Cemetery Fund are not sufficient to sustain the Cemetery Fund. He said the Certificate of Deposits for the Cemetery Fund will continue to exist in its current state, and will be solely designated for the Cemetery for any capital work that may need to take place.

Mr. Stallings said the Capital Improvements Plan (CIP) is not a "wish list", but a prudent and doable plan for the Town. He said Planning Commission held a public hearing on April 28, 2010, and it unanimously recommended approval of the CIP. He said there is one item in the CIP for the Water Fund, which is \$10,000 for meters. He said there are two items in the CIP for the General Fund which are \$36,000 for a police vehicle and \$20,000 for Space Needs Fund.

Mr. Stallings said the proposed budget is available for public access online at the Town's website, and paper copies are available at Town Hall, the Library, the banks in Windsor, and at the Windsor Pharmacy.

Mayor Crocker commended Mr. Stallings for a good job on the proposed budget for fiscal year 2010-2011. Mr. Stallings said he would like Council to know that the budget is a team effort by everyone in the Town office. He said he appreciates all the hard work everyone has put into the proposed budget.

Mr. Pretlow said Council needs a motion to have a Council meeting on May 25, 2010 at 7:00 p.m. to have the public hearings for the CIP and proposed budget in accordance with the budget calendar.

Vice Mayor Jones made a motion to have a Council meeting on May 25, 2010 at 7:00 p.m. in the Council Chamber, which includes the public hearing on the proposed budget and CIP. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

Business Appreciation Day Resolution

Mr. Stallings said each year, in recognition of the businesses in the Town of Windsor, Council has adopted a resolution setting the date of our business appreciation breakfast as business appreciation day in Windsor. He said enclosed in Council's packet is a resolution that does just that. He said he would recommend that Council adopt the enclosed resolution. Mayor Crocker asked the Clerk to read the title of the resolution. The Clerk read the title as follows "A resolution establishing May 20, 2010 as business appreciation day within the Town of Windsor, Virginia".

Councilman Garris made a motion to adopt the resolution entitled: *A Resolution Establishing May 20, 2010 as Business Appreciation Day Within The Town of Windsor, Virginia*. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

Sidewalk Status Update

Mr. Stallings said on April 20, 2010 he received a notice from the Virginia Department of Transportation (VDOT) that the Town sidewalk project has received authorization to proceed with advertisement for bids. He said shortly after receiving the notice, he was contacted by VDOT to schedule a briefing on the reporting requirements during the construction phase of the project. He said the meeting was today, and he and the engineer would submit the advertisement after the meeting in case they needed to incorporate further information. He said everything went well at the meeting. Mr. Stallings said the engineer notified him that the advertisement will be in the newspaper on Sunday. He said the bid window is open for 21 days, after which the bids will be opened and the lowest bid approved by VDOT with their authority to proceed with the project. Mr. Stallings said the engineer's construction estimate has the project being completed by early September.

JM Eagle Pipe Lawsuit

Mr. Stallings said at Council's April meeting, the Town Attorney brought to our attention a lawsuit against JM Eagle Pipe. He said he has contacted the Town's engineer about this matter, and they indicated that none of the work that they have overseen since 1996 has used the pipe that is subject to this lawsuit. He said he has an email from the engineer stating these facts.

July Council Meeting

Mr. Stallings said as Council is aware, he is expecting a second child at the end of June. He said as such, he would ask Council to consider rescheduling the July meeting to either Wednesday July 21st or Thursday July 22nd. He said if one of the dates works for Council, he would ask that Council reschedule the July meeting.

After discussion among Council, Councilwoman Richardson made a motion to reschedule the July Council meeting to Thursday, July 22, 2010 at 7:00 p.m. in the Council Chamber. Councilman Garris seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

Post Office Renovation and Town Hall Addition Costs

Mr. Stallings said at its last meeting, Council directed him to obtain a cost estimate for the renovation of the existing post office building as well as a cost

estimate for an addition onto the back of the existing town hall so that both options could be compared and evaluated. He said enclosed in the Council packet is this information. Mr. Stallings said he and Chief Porti met with architect Russell Parrish and contractor Scott Deese and had a walk through of the Post Office. He said from that meeting, Mr. Parrish and Mr. Deese have developed a cost estimate and construction timeline for the renovations to the existing post office building. He said also included in the packet information is an email from Mr. Parrish with a cost estimate, a quick rendering to show the relocation of the entrance to the building, and a "green" area where the rear parking is currently. Mr. Stallings said Council also has the previous report prepared by Mr. Parrish regarding the addition to the town hall, as well as two renderings showing what the addition would look like.

Mr. Stallings said the total cost for renovating the post office building is \$269,800. He said this cost does not include the removal of asbestos tiles that are throughout the structure. He said this renovation work would take approximately three months to complete after all permits and plans were finalized. He said this option also carries with it some additional operating cost that will need to be addressed as the process moves forward, such as a new copy machine, utilities, and potentially a receptionist/secretary.

Mr. Stallings said the total cost for the addition to the rear of town hall is \$231,200. He said this option will carry some additional utility cost, but will not require an additional staff person or copy machine. He said Mr. Deese estimates that this work would take approximately seven months to complete.

Mr. Stallings said in conclusion, the renovation cost to convert the existing post office building into a police department is slightly higher than the cost to construct an addition to the rear of the existing town hall. He said the earliest the police department could move into the renovated post office building is September 2011, assuming that the post office does not request any extensions to the lease. He said each extension would add three months to the move in date. Mr. Stallings said the earliest the police department could move into an addition to the rear of the town hall would be January 2011 if work was started in June of 2010.

Mr. Stallings said he was asked the question of what items would have to be done to the existing building to continue the lease with the Post Office. He said he asked Mr. Parrish and Mr. Deese the question, and they responded that in their professional opinion that none of the items would have to be done. He said they told him that unless something was broken, they would not recommend fixing it. He said the roof on the post office building is good for at least another five years. Mr. Stallings said they did recommend closing the voids in the building that are letting the hot and cold air out of the building, which increases the heating and cooling costs for the Post Office. He said the contractor said that

the need for these renovation items come when the use of the building is changed.

Mayor Crocker said on March 18, 2010 a letter was sent to Congressman Randy Forbes requesting assistance in the future of the Post Office. He asked Mr. Stallings if he has had a response back from Congressman Forbes regarding this letter. Mr. Stallings said he has not received any response or acknowledgement stating that Congressman Forbes received the letter that was sent. Councilwoman Richardson said she would like for Mr. Stallings to check on the status of this letter. Mr. Stallings said he would contact Congressman Forbes office again and inquire as to whether or not they ever received the letter. He said he would report back to Council as soon as he finds out anything further.

Councilman Garris asked Mr. Stallings if there was an estimate of cost to have a second floor on the addition to the town hall building. Mr. Stallings said the cost would depend on what the Town wants included with the second floor. He said as soon as he receives the cost estimate from the architect he will forward the information to Council.

Mayor Crocker asked Mr. Stallings if he has heard anything further from the letter that was sent to the Post Office. Mr. Stallings said he has not heard anything further from Mr. Frye. He said he would contact him to see where the Post Office is in the process.

Mayor Crocker said one issue that concerns him is that Council has not engaged in negotiating a new lease with the Post Office. Mr. Stallings said after the previous Council meeting he was directed by Council to inform the Post Office that the lease would not be renewed except in 90-day extensions. He said he did not receive any direction to work on negotiating the lease amount or conditions.

Calendar of Events

Mr. Stallings said the calendar of events is self-explanatory, and is in Council's agenda packet for Council's information. He said he would like to remind Council of the Business Appreciation Breakfast on May 20, 2010 at 8:00 a.m. and the Council meeting on May 25, 2010 for the public hearing on the proposed budget and CIP.

Police Chief Selection Process

Mr. Stallings said as Council is aware, Police Chief Porti resigned his position as Chief of Police for the Town effective May 14, 2010. He said as such, he has established the process by which he will seek to identify the next Police Chief. He said he has established a selection panel that consists of three retired Police Chiefs. He said the individuals are Gilbert F. (Spud) Jackson, William F. (Bill) Corvello, and William A. Freeman.

Mr. Stallings said Mr. Jackson served in the United States Marine Corps and was a police officer in Norfolk. He said Mr. Jackson became the Chief of Police for the City of Suffolk in 1976, and he served as Chief of Police until he retired in 1996.

Mr. Stallings said Mr. Corvello has 37 years of service with the Virginia State Police. He said since Mr. Corvello's retirement from the State Police, he served as the Chief of Police for the City of Newport News and as the Interim Chief of Police for the City of Portsmouth.

Mr. Stallings said Mr. Freeman served as the Deputy Chief of Police for the City of Suffolk and served as the Acting Chief of Police from July 1996 to January 1997 after Chief Jackson retired. He said Mr. Freeman served as the Chief of Police for the City of Suffolk from January 2002 until he retired in December 2008.

Mr. Stallings said he feels this is a "blue ribbon" panel. He said they will assist in the evaluation of applicants and will sit on the review panel to interview candidates. He said he is extremely fortunate that they have agreed to serve on the selection panel, and he will rely on their vast expertise throughout the process.

Mr. Stallings said he is meeting with Mr. Jackson this week to review the advertisement for Chief of Police. He said the vacancy will be advertised this week and applications/resumes will be accepted until June 23, 2010. He said the applications will be reviewed by the selection panel and him. Mr. Stallings said after all the applications have been reviewed, they will schedule selected candidates to be interviewed beginning in early July. He said he anticipates being able to present a selected candidate by the end of July/beginning of August. Mr. Stallings said he will keep Council informed of the progress as he moves through the selection process.

Mr. Stallings said he would like to know from Council what qualities it is looking for in a Police Chief. Mayor Crocker said he would like to have a mirror image of Chief Porti. Councilman Garris said he has spoken with Mr. Stallings and made him aware that he hears more about the Police Department on the streets than anything else. He said he feels Council needs to talk before a selection is made for Chief of Police. He said the Town has a good Police Department, but feels it has established a Police Department that the Town cannot afford nor maintain. He said he supports the Police Department 100%, but the Town cannot afford to operate with the Police Department taking the percentage it is taking out of the budget. He said he hears more about this than any one issue. Mr. Stallings said Councilman Garris has a good point, because for all intensive purposes the Police Department is the face of the Town. He said the Officers are not just representing the Police Department, they are representing the Town. He said

the Officers have to be good stewards of the Town and present themselves in such a manner.

Councilwoman Richardson said she appreciates Mr. Stallings asking for input, because the Police Department is the citizens' department, and Council needs their input as to what they want. She said it is necessary for all of Council to discuss any information they have received with Mr. Stallings as this process gets underway.

Purchase of New Mower and Budget Transfer

Mr. Stallings said as you can see from the memo from Mr. Sims, our Maintenance Supervisor, there is a need for a new mower. He said there has been approximately \$1,600 spent on mower repairs this year. He said there is an additional \$1,200 that needs to be spent to replace the deck on the existing mower. Mr. Stallings said as Council can see in the memo three bids were received from area vendors.

Mr. Stallings said the purchase of the mower would require a budget transfer of \$1,200 from Equipment Repairs and Maintenance to Equipment within the Public Works portion of our General Fund budget. He said he would recommend that Council approve the purchase of the new mower and the budget transfer.

Councilman Garris made a motion to approve the purchase of a new mower at the cost of \$5,399, and approve a budget transfer of \$1,200 from account 4-100-41000-3312 Equipment Repairs and Maintenance to account number 4-100-41000-6020 Equipment with the Public Works portion of the General Fund budget. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.

Police Chief's Report

Chief Porti said for the month of April there were a total of 174 calls of which Windsor Police Department answered 163 calls. He said there were a total of 182 traffic stops which resulted in 198 traffic summons and 12 warnings. He said there was one wanted person arrested through traffic enforcement and one DUI arrest. Chief Porti said there was one felony arrest which resulted in four charges and three misdemeanor arrests which resulted in four charges.

Chief Porti said on April 10th officers assisted the Portsmouth Department in a homicide investigation which began when a note indicating such a crime had been committed was discovered in the restroom at the Dairy Queen restaurant in Town.

Chief Porti said on April 11th Officer Tarkington conducted a traffic stop on Windsor Blvd, at the intersection with Joyner Avenue. He said the driver fled on

foot, and was subsequently apprehended on Bank Street near B Avenue. He said the suspect had four felony warrants for his arrest.

Chief Porti said tonight is his last Council meeting, and he would like to thank Council. He said it has been a pleasure serving the Town for the last four and a half years. He said we have established a good agency, which is based on values, moral and ethics. He said the Department will succeed no matter who is in charge. He said the Officers are committed to those values rather than any specific individual. He said he feels things will thrive whether he is here or not. Chief Porti said he would like to again thank Council. He said if there is anything that anyone should need, do not hesitate to ask. Councilwoman Richardson thanked Chief Porti for his services. Mayor Crocker also commended Chief Porti for his outstanding services, and wished him best of luck.

Town Attorney's Report

Mr. Pretlow said Verizon is attempting to rollback some of the appraisals of the Public Service Corporation properties. He said he received the information forwarded from Town Hall. He said he has researched the information, and it appears to him that the Town's tax bill for Verizon is only \$955. He said the property is assessed through the State Corporation Commission. He said this amount does not put it in any category where the Town wants to send any money to join in. He said he does not know what position the County is planning to take on this issue. He said from the Town's standpoint it is not something we can economically pursue.

Mr. Pretlow said Dominion Virginia Power has filed once again to get rate increases. He said he has paper work available for anyone who would like to review the information.

Mr. Pretlow said to let the new Council and existing Council know that the Charter was passed, but a change was made by legislation. He said a State law has been put into place that supersedes Council appointing someone to fill a vacancy for the remainder of their time. He said there is a requirement to have a special election to have the position filled. Mr. Pretlow said Council may have to consider moving Council elections to November. He said the State is not going to pay for elections for Towns any longer. He said they are looking for ways to cut costs.

Councilman Garriss said he would like to know why there were six individuals working the polls during the election, when there was no one running opposed. Mr. Stallings said he would check with the registrar's office on the number of people required to work at the polls.

Mr. Pretlow said the new Town Charter is effective July 1st as well as the new State law that changes a portion of the Charter regarding appointment of a Council member to fill a vacancy in mid-term.

Mayor's Report

Mayor Crocker said he has given Council a list of suggestions for consideration to help facilitate an orderly transition on Council. Mayor Crocker asked the Clerk to make his memo part of the permanent records of this meeting.

Mayor Crocker said there is a Board of Supervisor's Action List for April 15th and April 26th in Town Hall for your review.

Mayor Crocker said he attended the Mayors and Chairs meeting in Virginia Beach and wind energy was discussed again. He said the next meeting is in June in James City County.

Other Reports

Councilman Scott said the Economic Development Committee met May 10, 2010. He said Lisa Perry with the Isle of Wight County Economic Development Department met with the committee and gave them an update on International Paper and the Intermodal Park. He briefed Council on other items the committee discussed at its meeting.

Councilman Scott said the Economic Development Authority now has seven members. He said Councilwoman Richardson resigned her position leaving seven members which is required by the Authority for Directors of the Board.

Councilman Scott made a motion to appoint Durwood Scott, Jackie Blythe, Patti Allen, Robert Claude, Randy Carr, Everett Scott and George Stubbs as Board of Directors for the Economic Development Authority. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #6.

Mayor Crocker suggested to the Clerk to list the Economic Development Authority as item 10 on the agenda and list Other Reports next.

Planning Commission

Mr. Carney said the April Planning and Zoning report shows that eight zoning permits were issued and 18 notices of violation for inoperable vehicles and tall grass. He said at the next Planning Commission meeting there will be a work session to discuss several items regarding the process of updating the Land Ordinances for the Town.

Mr. Stallings said he is glad to have Mr. Carney on board. He said if Council sees any issues that Mr. Carney may need to address please let him know and Mr. Carney will take care of it. Mayor Crocker said the next Planning Commission meeting is scheduled for May 26, 2010.

Old or Unfinished Business

Councilman Willis asked Mr. Stallings if he has had a chance to check on the power poles that Verizon has left standing on Shiloh Drive. He said there are double poles standing and it is hard to see traffic. Mr. Stallings said he has not gotten a response back from Verizon, but he will continue working on getting the issue resolved.

Councilman Scott asked what the projected time for the residents to pay the tap fee and hook up to the Town's water lines on Old Suffolk Road and Tyler Drive. Mr. Stallings said Council adjusted the rate for a tap fee. He said the tap fee is \$1,000, and residents have two years to pay this amount. He said once official notices are sent out by the Town, the resident will have 90 days to take advantage of the lower tap fee and payment option. He said notices will be sent to each resident affected after the system has been accepted by the Town. He said he will be having a meeting with the engineer within the next couple of weeks to finalize everything.

New Business

Mayor Crocker said the discussion regarding Creason's wells goes back several years. He said at that time there was a Utilities and Property Committee established. He said if it is agreeable with Council, he would suggest discussing the Creason well issue at the May 25th Council meeting. He said this will give Council and staff time to collect information on the issue. Mr. Stallings said he would review all the minutes that have any information regarding Creason well. He said he will also look for any correspondences that may have been sent or received. Councilwoman Richardson said we need to try to push for a date of completion on the water project to let the Creasons and the residents know as far in advance as possible. She said we need to communicate with the Creasons and with the residents.

Mayor Crocker said he feels it will be better to discuss the Creason issue at the May 25th meeting when Council will have more time and information available. He said the Creason issue takes him back to the purchasing of the Post Office issue. He said he asked staff to research the minutes regarding the purchase of the Post Office. He asked the Clerk to read the motion from the minutes where Council agreed to purchase the Post Office. The Clerk said the date of the minutes was December 14, 2004. She said the motion was as follows: "Councilman Garriss made a motion to authorize the Town Manager or the Mayor

to execute the Todd contract to expend funds to complete the purchase of the Post Office building for \$240,000. Councilman Jones seconded and the motion passed unanimously as recorded on the attached chart as motion #10.” She said this motion was made after Council came out of closed session for the purpose of discussing real estate matters. Mayor Crocker said in this motion there was nothing stating what the property was to be used for. He said the official record does not show any specific use for the Post Office property. Mayor Crocker said this is the reason why we need to research the minutes so the Creasons receive due diligence on their request.

Mr. Pretlow said Council needs to make a motion to place the Creason well item on the agenda for the May 25th meeting. He suggested that the meeting be a special meeting of Council to consider any and all items that might be brought before the meeting. He said he does not recommend having a limited agenda.

Councilman Willis made a motion to have an open agenda for the May 25, 2010 Council meeting to have the Creason Well matter on the agenda as well as any other items needed. Vice Mayor Jones seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #7

Vice Mayor Jones made a motion to adjourn. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #8. The meeting adjourned at 8:40 p.m.

Marvin A. Crocker, Jr., Mayor

Robin Hewett, CMC
Town Clerk

TOWN OF WINDSOR
RECORD OF
COUNCIL VOTES

Council Meeting Date May 11, 2010

Motion #	Willis	Scott	Bryant	Jones	Garris	Richardson	M. Crocker
1	Y	Y	Y	Y	Y	Y	
2	Y	Y	Y	Y	Y	Y	
3	Y	Y	Y	Y	Y	Y	
4	Y	Y	Y	abstained	Y	Y	
5	Y	Y	Y	Y	Y	Y	
6	Y	Y	Y	Y	Y	Y	
7	Y	Y	Y	Y	Y	Y	
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Windsor Town Council
May 11, 2010
Robin Hewitt, CMC
Clerk